

UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

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MELINA DULAY-SALCEDA,

Plaintiff,

v.

SUN VALLEY GENERAL
IMPROVEMENT DISTRICT,

Defendant.

Case No. 3:23-cv-00566-MMD-CSD

ORDER

Pro se Plaintiff Melina Dulay-Salceda submitted an application to proceed *in forma pauperis* (“IFP”) and a civil complaint. (ECF Nos. 1, 1-1.) Before the Court is the Report and Recommendation (“R&R”) of United States Magistrate Judge Craig S. Denney recommending that the Court dismiss this action without prejudice because Plaintiff failed to comply with the Court’s order (ECF No. 5) to submit a new IFP application or pay the required fee and to file an amended complaint containing the factual and legal basis for this lawsuit. (ECF No. 6.) Objections to the R&R were due by April 23, 2024. (*See id.*) To date, Plaintiff has not objected to the R&R or made any additional filings. The Court thus adopts the R&R in full and dismisses this action without prejudice.

Because there was no objection, the Court need not conduct *de novo* review, and is satisfied that Judge Denney did not clearly err. *See United States v. Reyna-Tapia*, 328 F.3d 1114, 1116 (9th Cir. 2003) (“De novo review of the magistrate judges’ findings and recommendations is required if, but *only* if, one or both parties file objections to the findings and recommendations.”) (emphasis in original). On February 12, 2024, the Court issued an order denying Plaintiff’s IFP application because her reported take-home bi-weekly pay indicates that she is ineligible for IFP status. (ECF No. 5.) The Court also noted that Plaintiff’s complaint does not state the basis for this Court’s jurisdiction or


1 contain any facts, instead including only a notice of right to sue letter from the U.S. Equal
2 Employment Opportunity Commission. (*Id.* at 2.) The Court thus directed Plaintiff to pay
3 the \$402 filing fee or submit a new IFP application within 30 days. (*Id.*) It further directed
4 her to file an amended complaint presenting the factual and legal foundation for this action
5 by the same deadline. (*Id.*) Plaintiff was cautioned that failure to timely comply with the
6 Court's order would lead to a recommendation for dismissal without prejudice. (*Id.*)
7 Plaintiff failed to pay the filing fee, submit a new IFP application, or file an amended
8 complaint within the directed time, and has not made any further filings to date. The Court
9 thus agrees with Judge Denney that dismissal without prejudice is appropriate.

10 It is therefore ordered that Judge Denney's Report and Recommendation (ECF
11 No. 6) is accepted and adopted in full.

12 It is further ordered that this action is dismissed without prejudice.

13 The Clerk of Court is directed to enter judgment accordingly and to close this case.

14 DATED THIS 30th Day of April 2024.

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17 MIRANDA M. DU
18 CHIEF UNITED STATES DISTRICT JUDGE
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